

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

\WILLIAM PHILLIPS,

Plaintiff,

VS.

No. 20-1129-JDT-cgc

COUNSELOR HARRIS, ET AL.,

Defendant.

ORDER DISMISSING CASE,  
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH  
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

On March 31, 2021, the Court issued an order dismissing Plaintiff William Phillips's *pro se* prisoner complaint and granting leave to file an amended complaint. (ECF No. 10.) Phillips was warned that if he failed to file an amended complaint within twenty-one days, the Court would dismiss the case in its entirety and enter judgment. (*Id.* at PageID 19.)

Phillips has not filed an amended complaint, and the time within which to do so has expired. Therefore, this case is DISMISSED with prejudice in its entirety, and judgment will be entered in accordance with the March 31, 2021, order dismissing the original complaint for failure to state a claim on which relief may be granted.

The Court also recommends this dismissal be assessed as Phillips's first strike under 28 U.S.C. § 1915(g), to take effect when judgment is entered. *See Coleman v. Tollefson*, 575 U.S. 532, 537-40 (2015).

The same considerations that led the Court to dismiss the complaint for failure to state a claim also compel the conclusion that an appeal would not be taken in good faith. It is therefore CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this case by Phillips would not be taken in good faith. Leave to appeal *in forma pauperis* is therefore DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE